

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SCOTT JOHNSON,

Plaintiff,

v.

FICO'S NEW YORK STYLE PIZZA INC.,

Defendant.

Case No. 21-cv-05723-BLF

**ORDER ADOPTING REPORT AND
RECOMMENDATION; GRANTING IN
PART MOTION FOR DEFAULT
JUDGMENT**

[Re: ECF No. 19]

The Court has reviewed the Report & Recommendation (“R&R”) of Magistrate Judge Susan van Keulen (ECF No. 19), recommending that the Court grant in part Plaintiff Scott Johnson’s Motion for Default Judgment (ECF No. 14) against Defendant Fico’s New York Style Pizza Inc. The R&R was served on Defendant by mail on June 15, 2022. ECF No. 21. Defendant thereafter had fourteen days to object to the R&R. *See* Fed. R. Civ. P. 72(b)(2). Defendant did not file an objection within the time limit provided.

The Court finds the R&R to be correct, well-reasoned, and thorough. In particular, the Court agrees with Judge van Keulen’s conclusions that jurisdiction is proper, service of process on Defendant was adequate, and default judgment is warranted after weighing the factors set forth in *Eitel v. McCool*, 782 F.2d 1470 (9th Cir. 1986). *See* R&R at 3–8. The Court also agrees with Judge van Keulen that injunctive relief and statutory damages are warranted and that Plaintiff is entitled to a portion of the attorneys’ fees and costs that he requests. *See id.* at 8–14.

For the foregoing reasons, IT IS HEREBY ORDERED that the R&R is ADOPTED IN FULL and that Plaintiff’s motion for default judgment is GRANTED IN PART.

Dated: June 30, 2022



BETH LABSON FREEMAN
United States District Judge